

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

CHRISTOPHER ISAAC SURLES,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:23-cv-00855-LSC-JHE
)	
WARDEN JOSEPH HEADLEY, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

Petitioner Christopher Isaac Surles filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1). On August 29, 2023, the magistrate judge entered a report recommending dismissal of the petition based on the court's lack of jurisdiction. (Doc. 10). Specifically, the magistrate concluded that under 28 U.S.C. § 2244(b)(3)(A), the court's dismissal of Surles's prior petition¹ as time-barred deprives the court of jurisdiction to consider Surles's second or successive petition absent authorization from the Eleventh Circuit Court of Appeals. (Doc. 10). Although the magistrate judge advised Surles of his right to file written objections within 14 days, the court has not received any objections.

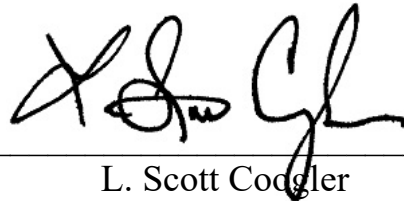
After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation.

¹ See *Surles v. Toney*, No. 5:21-cv-01236-RDP-JHE (N.D. Ala. Sept. 13, 2021), Doc. 1.

Consistent with that recommendation, the court finds that the petition for a writ of habeas corpus (doc. 1) is due to be dismissed based on the court's lack of jurisdiction under 28 U.S.C. § 2244(b)(3)(A). Because this matter will be dismissed as successive, a ruling on a certificate of appealability is not required. *Osbourne v. Sec'y, Fla. Dep't of Corr.*, 968 F.3d 1261, 1264 n.3 (11th Cir. 2020).

A Final Judgment will be entered.

DONE and **ORDERED** on September 19, 2023.

A handwritten signature in black ink, appearing to read 'L. Scott Coddler', is written over a horizontal line.

L. Scott Coddler
United States District Judge

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